

**State of California
Office of Administrative Law**

In re:

Secretary of State

Regulatory Action:

Title 2, California Code of Regulations

Adopt sections: 20120, 20121, 20122,
20123, 20124, 20125,
20126, 20127

Amend sections:

Repeal sections:

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

Government Code Section 11349.6

OAL File No. 2008-1009-02 E

This emergency rulemaking adopts the already promulgated post election manual tally requirements in close contests, pursuant to *County of San Diego v. Debra Bowen* (2008) 166 Cal.App.4th 501. It requires that in election contests where the margin of victory is less than half of one percent (0.5%) a manual tally of ten percent of the precincts of the contested race be conducted in addition to that already required by Elections Code section 15360.

OAL approves this emergency regulatory action pursuant to sections 11346.1 and 11349.6 of the Government Code.

This emergency regulatory action is effective on 10/20/2008 and will expire on 4/21/2009. The Certificate of Compliance for this action is due no later than 4/20/2009.

Date: 10/20/2008


Holly Geneva Stout
Staff Counsel

For: LINDA C. BROWN
Deputy Director

Original: Debra Bowen
Copy: Pam Giarrizzo